

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DALE WILLIAM WATSON,  
Petitioner,

v.

STEPHEN SMITH, Warden,  
Respondent.

No. 1:24-cv-00567-KES-SKO (HC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DENYING  
PETITION FOR WRIT OF HABEAS  
CORPUS WITH PREJUDICE, DECLINING  
TO ISSUE CERTIFICATE OF  
APPEALABILITY, AND DIRECTING  
CLERK OF COURT TO ENTER JUDGMENT  
AND CLOSE CASE

(Doc. 13)

Petitioner Dale William Watson is a state prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 22, 2024, the assigned magistrate judge issued findings and recommendations to deny the petition on its merits. Doc. 13. Those findings and recommendations were served upon all parties and contained notice that any objections thereto were to be filed within thirty (30) days after service. On September 26, 2024, petitioner filed objections to the findings and recommendations. Doc. 14.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de  
2 novo review of the case. Having carefully reviewed the entire file, including petitioner's  
3 objections, the Court concludes that the findings and recommendations are supported by the  
4 record and proper analysis.

5 In his objections, petitioner acknowledges that under *Knowles v. Mirzayance*, 556 U.S.  
6 111, 122 (2009), a state court does not fail to apply “clearly established Federal law[] as  
7 determined by the Supreme Court of the United States” when there is no Supreme Court decision  
8 governing an issue. *See* Doc. 14 at 1. Petitioner argues that *Strickland v. Washington*, 466 U.S.  
9 668 (1984), set out clearly established law that the state court should have applied in resolving his  
10 first claim. Petitioner's first claim challenges the sufficiency of the evidence to support the jury's  
11 finding that he was competent to stand trial under the Due Process clause. Doc. 1 at 5.  
12 *Strickland*, in contrast, set out the standard for ineffective assistance of counsel under the Sixth  
13 Amendment; it had nothing to do with sufficiency of the evidence to find a defendant competent  
14 to stand trial. *See Strickland*, 466 U.S. at 671–700. This objection is therefore without merit.  
15 Petitioner's remaining objections repeat arguments he made in his petition, each of which was  
16 correctly addressed by the findings and recommendations.

17 Having found that petitioner is not entitled to habeas relief, the Court now turns to  
18 whether a certificate of appealability should issue. A petitioner seeking a writ of habeas corpus  
19 has no absolute entitlement to appeal a district court's denial of his petition, and an appeal is  
20 allowed only in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335-336 (2003). If a  
21 court denies a habeas petition on the merits, the court may issue a certificate of appealability only “if  
22 jurists of reason could disagree with the district court's resolution of [the petitioner's] constitutional  
23 claims or that jurists could conclude the issues presented are adequate to deserve encouragement to  
24 proceed further.” *Miller-El*, 537 U.S. at 327; *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). While  
25 the petitioner is not required to prove the merits of his case, he must demonstrate “something more  
26 than the absence of frivolity or the existence of mere good faith on his . . . part.” *Miller-El*, 537 U.S.  
27 at 338.

1 In the present case, the Court finds that reasonable jurists would not find the Court's  
2 determination that the petition should be denied debatable or wrong, or that the issues presented are  
3 deserving of encouragement to proceed further. Petitioner has not made the required substantial  
4 showing of the denial of a constitutional right. Therefore, the Court declines to issue a certificate of  
5 appealability.

6 Accordingly,

- 7 1. The findings and recommendations issued on August 22, 2024, Doc. 13, are  
8 adopted in full;
- 9 2. The petition for writ of habeas corpus is denied with prejudice;
- 10 3. The Clerk of Court is directed to enter judgment and close the case; and
- 11 4. The Court declines to issue a certificate of appealability.

12  
13  
14 IT IS SO ORDERED.

15 Dated: March 19, 2025

  
UNITED STATES DISTRICT JUDGE